

JUL 9 1979

MICHAEL RODAK, JR., CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

October Term, 1978

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Number 78-1859

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GREY LINE AUTO PARTS, INC.

Petitioner

v.

SAMUEL T. THARP, ERNEST  
L. STRICKLAND, BRUCE H.  
SNEAD, J. WAYNE DICKERSON,  
and EARL H. SNEAD, INC.,  
A Virginia Corporation

Respondants

SUPPLEMENTAL APPENDIX

E. Brodnax Haskins  
706 Mutual Building  
Richmond, Virginia 23219  
and  
W. Griffith Purcell  
1012 Mutual Building  
Richmond, Virginia 23219  
A Member of the Bar of this Court

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### UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

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UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 78-1575

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Samuel T. Tharp, Ernest L.  
Strickland, Bruce H. Snead,  
J. Wayne Dickerson, and Earl  
H. Snead, Inc., a Virginia  
Corporation,

Appellees,

-v-

Grey Line Auto Parts, Inc.,  
a Virginia Corporation,

Appellant,

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No. 79-1162

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Samuel T. Tharp, Ernest L.  
Strickland, Bruce H. Snead,  
J. Wayne Dickerson, and Earl H.  
Snead, Inc., a Virginia  
Corporation,

Appellees,

-v-

Grey Line Auto Parts, Inc.,  
a Virginia Corporation,

Appellant,

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Appeals from the United States District  
Court for the Eastern District of Virginia,  
at Richmond. D. Dortch Warriner,  
District Judge.

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Argued April 3, 1979 Decided April 19, 1979

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Before BUTZNER, WIDENER and HALL,  
Circuit Judges,

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E. Brodnax Haskins (Wicker, Haskins and  
Hutchens on brief) for appellant; Charles  
F. Witthoefft (Hirschler, Fleischer,  
Weinberg, Cox & Allen on brief) for  
appellees,

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PER CURIAM:

In this appeal of an action based on the Sherman Act, the issues concern the propriety of the damages awarded by the jury. The appellant concedes that it violated the Act but it contends: (1) that the evidence establishes that the plaintiffs could not have suffered any damages; (2) that the amount of damages, if any, was too speculative and uncertain for proper jury determination; (3) that the damages should have been reduced in the amount of the reasonable value of certain services rendered by the defendant that allegedly benefited the plaintiffs; (4) that the defendant's exhibits did not conform to the pretrial order.

Upon consideration of the briefs, the record, and oral argument, we find

no error warranting reversal. Consequently,  
we affirm the judgment for damages in No.  
78-1575 and the award of attorney's fees  
in No. 79-1162.

J U D G M E N T  
UNITED STATES COURT of APPEALS  
for the  
FOURTH CIRCUIT  
No. 78-1575

Samuel T. Tharp, Ernest L.  
Strickland, Bruce H. Snead,  
J. Wayne Dickerson, and Earl H.  
Snead, Inc., a Virginia  
Corporation,

Appellees,

vs.

Grey Line Auto Parts, Inc.,  
a Virginia Corporation,

Appellant,

Appeal from the United States Dis-  
trict Court for the Eastern District of  
Virginia.

This cause came on to be heard on  
the record from the United States Dis-  
trict Court for the Eastern District of  
Virginia, and was argued by counsel

On consideration whereof, It is now  
here ordered and adjudged by this Court  
that the judgment of the said District  
Court appeals from, in this cause, be,

and the same is hereby, affirmed.

F I L E D

APR 19 1979

WILLIAM K. SLATE, II  
CLERK

/s/ William K. Slate, II  
CLERK





MAY 31 1979

U.S. COURT OF APPEALS  
UNITED STATES COURT OF APPEALS FOURTH CIRCUIT

FOR THE FOURTH CIRCUIT

No. 78-1575

Samuel T. Tharp, Ernest L.  
Strickland, Bruce H. Snead,  
J. Wayne Dickerson, and Earl H.  
Snead, Inc., a Virginia  
Corporation, Appellees,

versus

Grey Line Auto Parts, Inc.,  
a Virginia Corporation, Appellant,

---

No. 79-1162

---

Samuel T. Tharp, Ernest L.  
Strickland, Bruce H. Snead,  
J. Wayne Dickerson, and Earl H.  
Snead, Inc., a Virginia  
Corporation, Appellees,

versus

Grey Line Auto Parts, Inc.,  
a Virginia Corporation, Appellant,

---

Appeals from the United States District  
Court for the Eastern District of Virginia,  
at Richmond. D. Dortch Warriner, District  
Judge.

Upon motion of the appellant, by counsel, and for cause shown,

IT IS ORDERED that the mandate in the above-entitled case be, and it is hereby, stayed for an additional fifteen (15) days to and including June 14, 1979, pending application of the appellant in the Supreme Court of the United States for a writ of certiorari to this Court.

For the Court - by Direction

/s/ William K. Slate, II  
Clerk

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF VIRGINIA-RICHMOND, DIVISION

SAMUEL T. THARP, ERNEST L.  
STRICKLAND, BRUCE H. SNEAD,  
J. WAYNE DICKERSON, and  
EARL H. SNEAD, INC., a  
Virginia Corporation.

Civil Action File  
No. 77-0579-R

FILED  
Judgment  
Jun 6, 1978

vs.

GREY LINE AUTO PARTS, INC.,  
a Virginia Corporation

CLERK, U.S. DIST.  
COURT  
RICHMOND, VA.

This action came on for trial before the  
Court and a jury, Honorable D. Dortch  
Warriner, United States District Judge,  
presiding, and the issues having been  
duly tried and the jury having duly ren-  
dered its verdict.

It is Ordered and Adjudged that the plain-  
tiff, SAMUEL T. THARP recover of  
the defendant, GREY LINE AUTO PARTS, INC.,  
the sum of ONE HUNDRED TWO THOUSAND AND  
NO/100 DOLLARS (\$102,000.00)

with interest thereon at the rate of  
eight per cent (8%) per annum from this  
date and his costs of this action and  
reasonable attorney's fee's to be de-  
termined by the Court.

Dated at Richmond,  
Virginia , this 6th day  
of June, 1978.

W. FARLEY POWERS, JR.  
Clerk of Court

By: /s/ David A. Ballas  
David A. Ballas  
Deputy Clerk

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF VIRGINIA-RICHMOND, DIVISION

SAMUEL T. THARP, ERNEST L.  
STRICKLAND, BRUCE H. SNEAD,  
J. WAYNE DICKERSON, and  
EARL H. SNEAD, INC., a  
Virginia Corporation.

Civil Action File  
No. 77-0579-R

FILED  
Judgment  
Jun 6 1978

vs.

GREY LINE AUTO PARTS, INC.,  
a Virginia Corporation

CLERK, U.S. DIST.  
COURT  
RICHMOND, VA.

This action came on for trial before the  
Court and a jury, Honorable D. Dortch  
Warriner, United States District Judge,  
presiding, and the issues having been  
duly tried and the jury having duly ren-  
dered its verdict.

It is Ordered and Adjudged that the plain-  
tiff, ERNEST L. STRICKLAND, recover of  
the defendant, GREY LINE AUTO PARTS, INC.,  
the sum of FIFTEEN THOUSAND AND NO/100  
DOLLARS (\$15,000.00)

with interest thereon at the rate of  
eight per cent (8%) per annum from this  
date and his costs of this action and  
reasonable attorney's fee's to be de-  
termined by the Court.

Dated at Richmond,  
Virginia , this 6th day  
of June, 1978.

W. FARLEY POWERS, JR.  
Clerk of Court

By: /s/ David A. Ballas  
David A. Ballas  
Deputy Clerk



UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF VIRGINIA-RICHMOND, DIVISION

SAMUEL T. THARP, ERNEST L. Civil Action File  
STRICKLAND, BRUCE H. SNEAD, No. 77-0579-R  
J. WAYNE DICKERSON, and  
EARL H. SNEAD, INC., a  
Virginia Corporation.

vs.

FILED  
Judgment  
Jun 6 1978

GREY LINE AUTO PARTS, INC.,  
a Virginia Corporation

CLERK, U.S. DIST.  
COURT  
RICHMOND, VA.

This action came on for trial before the  
Court and a jury, Honorable D. Dortch  
Warriner, United States District Judge,  
presiding, and the issues having been  
duly tried and the jury having duly ren-  
dered its verdict.

It is Ordered and Adjudged that the plain-  
tiff, BRUCE H. SNEAD, recover of  
the defendant, GREY LINE AUTO PARTS, INC.,  
the sum of TWENTY ONE THOUSAND AND NO/100  
DOLLARS (\$21,000.00)



with interest thereon at the rate of  
eight per cent (8%) per annum from this  
date and his costs of this action and  
reasonable attorney's fee's to be de-  
termined by the Court.

Dated at Richmond,  
Virginia, this 6th day  
of June, 1978.

W. FARLEY POWERS, JR.  
Clerk of Court

By: /s/ David A. Ballas  
David A. Ballas  
Deputy Clerk

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF VIRGINIA-RICHMOND, DIVISION

SAMUEL T. THARP, ERNEST L.  
STRICKLAND, BRUCE H. SNEAD,  
J. WAYNE DICKERSON, and  
EARL H. SNEAD, INC., a  
Virginia Corporation.

Civil Action File  
No. 77-0579-R

vs.

FILED  
Judgment  
Jun 6 1978

GREY LINE AUTO PARTS, INC.,  
a Virginia Corporation

CLERK, U.S. DIST.  
COURT  
RICHMOND, VA.

This action came on for trial before the  
Court and a jury, Honorable D. Dortch  
Warriner, United States District Judge,  
presiding, and the issues having been  
duly tried and the jury having duly ren-  
dered its verdict.

It is Ordered and Adjudged that the plain-  
tiff, J. WAYNE DICKERSON, recover of  
the defendant, GREY LINE AUTO PARTS, INC.,  
the sum of FOURTY TWO THOUSAND AND NO/100  
DOLLARS (\$42,000.00)

with interest thereon at the rate of  
eight per cent (8%) per annum from this  
date and his costs of this action and  
reasonable attorney's fee's to be de-  
termined by the Court.

Dated at Richmond,  
Virginia, this 6th day  
of June, 1978.

W. FARLEY POWERS, JR.  
Clerk of Court

By: /s/ David A. Ballas  
David A. Ballas  
Deputy Clerk

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF VIRGINIA-RICHMOND, DIVISION

SAMUEL T. THARP, ERNEST L.  
STRICKLAND, BRUCE H. SNEAD,  
J. WAYNE DICKERSON, and  
EARL H. SNEAD, INC., a  
Virginia Corporation.

Civil Action File  
No. 77-0579-R

FILED  
Judgment  
Jun 6 1978

vs.

GREY LINE AUTO PARTS, INC.,  
a Virginia Corporation

CLERK, U.S. DIST.  
COURT  
RICHMOND, VA.

This action came on for trial before the  
Court and a jury, Honorable D. Dortch  
Warriner, United States District Judge,  
presiding, and the issues having been  
duly tried and the jury having duly ren-  
dered its verdict.

It is Ordered and Adjudged that the plain-  
tiff, EARL H. SNEAD, INC., recover of  
the defendant, GREY LINE AUTO PARTS, INC.,  
the sum of THIRTY THOUSAND AND NO/100  
DOLLARS (\$30,000.00)

with interest thereon at the rate of  
eight per cent (8%) per annum from this  
date and his costs of this action and  
reasonable attorney's fee's to be de-  
termined by the Court.

Dated at Richmond,  
Virginia , this 6th day  
of June, 1978.

W. FARLEY POWERS, JR.  
Clerk of Court

By: /s/ David A. Ballas  
David A. Ballas  
Deputy Clerk

CERTIFICATE

I hereby certify that I have this  
25th day of June, 1979, mailed 3 copies  
of the foregoing Supplemental Appendix to  
Charles F. Witthoefft, Esquire, Hirschler,  
Fleischer, Weinberg, Cox and Allen, 2nd  
Floor, Massey Building, 4 North 4th Street,  
Richmond, Virginia 23219.

*E. Brodnax Hester*